



APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, July 9, 2013, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Kalina, Van de Kerckhove, Leider and Trustee Liaison Brandt.

ALSO PRESENT: Steve McNellis, Director of Community Development, Stephen Robles, Planner, Rob Horne, Engineering Supervisor.

ABSENT:

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:05 p.m.

1.0 ROLL CALL

The roll was called by **Planner Robles** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, April 9, 2013.

Member Kalina moved and **Member Leider** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, April 9, 2013, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 Consideration and Discussion of a two lot plat of resubdivision located at 605 Heathrow Drive (Land of Lincoln, LLC/Nicolson, Porter & List).

Mark Barbato, representing the property owner, presented the resubdivision request and noted the original site and building was built as a speculative building, which was then leased by the Pactiv Corporation. Additional land to the west was left for potential building or parking lot expansion and remained undeveloped. Pactiv Corp. has re-signed a new ten-year lease and as part of the lease terms, they no longer required the available land for expansion and continue to pay rent on the unused space. As a result, **Mr. Barbato** was seeking to subdivide the vacant land to create a stand-alone parcel for future development and relieve their tenant, Pactiv Corp., from continued financial responsibility of land they no longer need.

Planner Robles noted the Zoning Board had copies of the proposed plat of resubdivision in their meeting packets for review. He continued, an in-depth review of the proposed subdivision with all Subdivision and Zoning Codes was conducted and verified conformance. Additionally, the proposed lots complied with the minimum lot standards of the O/Id District. **Planner Robles** continued that Manhard Consulting, the civil engineers for the original subdivision, had determined the existing stormwater basins were sufficiently designed to accommodate any future development of the proposed Lot 2,

therefore no further stormwater facilities were needed. He noted one item that would need to be addressed prior to Village Board review, was all required side and rear building setback lines needed to be provided on the plat. Staff recommended approval of a two lot subdivision with the plat revision as noted.

Trustee Brandt followed that the Board also requested the building setback lines be provided on the plat, and recommended such setback lines be noted before the Committee of the Whole meeting.

Member Van de Kerckhove questioned if sufficient parking ratios were present for Lot 2. **Planner Robles** explained required parking would be determined at the time when a detailed site development plan is submitted. Since the proposed Lot 2 complies with lot requirements of the Code, adequate parking should be easily achieved. **Director McNellis** also noted that some time ago, Staff requested **Mr. Barbato** submit a concept plan showing a speculative building and parking to insure the proposed lot was adequately sized, which was shown to be the case.

There was a consensus among the members in support of this request and the following motion was read:

Member Kalina moved and Member Leider seconded a motion to recommend approval to the Village Board of a Final Plat of Subdivision for the Heathrow Drive Subdivision, as depicted in the plans prepared by Blackledge Land Surveying, Inc., dated July 2, 2013, subject to the condition presented in Staff's memorandum to provide all required side and rear building setback lines on the plat.

The motion passed unanimously by voice vote.

- 3.2 Consideration and Discussion of a proposed plat of subdivision, incorporating side lot lines for two lots not radial to curved street lines, for the seven lot single-family residential subdivision, known as Forest View Subdivision, located at 13 Half Day Road (Fidelity Builders, Inc.).

Kevin Lewis, IG Consulting, presented he was the consulting engineer for the previous subdivision request and provided a brief history of the prior subdivision request, which the current request by a new developer was a revival of what was previously discussed and approved by the Zoning Board in 2006/2007. He followed by giving an overview of the proposed subdivision and the revisions that were made based on Staff comment and changes in regulations. **Mr. Lewis** proceeded to address the Staff recommendations. The first Staff comments regarding the lot lines of Lot 6 and Lot 7 were not radial to the curve of the cul-de-sac, which is a statement of the Subdivision Code. He presented how that requirement would work and that it could be accomplished with both Lots 6 and 7. However, he noted that by doing such would create greater confusion with any future homeowners and as it was proposed would be more apparent to where the lot lines were. **Mr. Lewis** noted the developer's agreement to address Staff's recommendations for additional parkway trees and including utility easements along the side lots lines of each.

Member Van de Kerckhove questioned the inclusion of walls and split-rail fence around the detention pond, and sought clarification on if the entire pond were to be fenced. **Mr. Lewis** explained the retaining walls in the detention pond based are required based on the depth and site constraints; also the split-rail fence was required during the previous

Village reviews. He also confirmed the north side of the pond was open since there was a gradual slope to allow access for maintenance and stormwater flow. **Planner Robles** noted the split-rail fence was an outcome from neighbor resident concerns regarding pond safety. **Engineering Supervisor Horne** explained there were also code requirements for safety fencing due to the height of the drop around the pond.

Neal Barg, 28 Melrose Lane, expressed concerns over the removal of trees and the decrease of screening, and the detention pond collecting water and becoming a mosquito breeding ground near his residence. **Engineering Supervisor Horne** noted the Village's mosquito abatement program and Mr. Barg could add his address to the list for future treatment. **Director McNellis** indicated a number of trees were being saved at the south end of the subdivision, which is close to Mr. Barg's home. **Trustee Brandt** questioned if additional conservancy areas could be dedicated along the south end of the property similar to the dedicated conservation areas along the east side of the subdivision. **Mr. Lewis** explained in order to construct the catch basins to assist in stormwater drainage, tree removal was necessary close to Mr. Barg's residence. If a 30' wide conservation area were to be established along the south property line, additional trees would have to be removed elsewhere.

Jerry Behrens, 24 Essex Lane, noted that with the proposed development and their associated impervious surfaces wouldn't absorb water, which the current undeveloped land absorbs the rain water. **Mr. Behrens** expressed his concern about where all the stormwater would go once the property is developed since the water flows from east to west, towards his residence. **Mr. Lewis** responded the proposed roadway was designed to function as an overland flood route to direct stormwater to the detention pond. **Mr. Behrens** expressed his disagreement with the statement that all the water would be diverted to the retention pond and continue west to his property. He also questioned that since most roads have a crown to direct water to the sides of the road, how would this not increase the water to his property. **Mr. Lewis** explained the road design was proposed to be crowned as was standard engineering design, which would assist in catching the rain water and direct towards the pond.

Karen Madigan, 28 Essex Lane, sought clarification on what trees would be removed and what additional trees would be planted. **Mr. Lewis** noted the Tree Inventory Plan and identified which trees would be protected near Ms. Madigan's property. In addition, a Burr Oak tree was proposed to be planted within the gap of two trees that would remain. Additionally, a proposed 7' tall, board on board, screen fence was proposed along the west property line. **Ms. Madigan** sought clarification that the 7' tall fence was to be installed at grade. **Mr. Lewis** confirmed such. **Ms. Madigan** expressed her concerns of the fence being installed at grade and the proposed home foundations approximately 3' above grade, only providing 4' of screening. **Ms. Lewis** explained that this situation was reviewed in great detail during the previous Village review and was the reason the fence height was increased from 6' to 7'. He also assured the 7' height would be tall enough to block vehicle headlights from the proposed homes. In response, **Ms. Madigan** proposed the fence to be 8' in height and still wanted clarification the tree removal. **Planner Robles** clarified Village Code only required trees 6" in caliper size and larger to be identified for removal; therefore, additional trees could remain from what was shown on the plan. **Ms. Madigan** further sought clarification on the development's access from Route 22 and if the Village was in support. **Planner Robles** noted the prior right-in/right-out only configuration and that IDOT had now supported a right-in/right-out/left-out configuration, which provided an improvement from before.

Further discussion ensued regarding tree preservation and the proposed stormwater basins of the subdivision.

Chairman Manion questioned why the Code requirement for lot lines that must be at straight lines or radial to the streets as it appeared irrelevant and what **Trustee Brandt's** thoughts were on the requirement. **Planner Robles** explained the reason for such was to prevent haphazard layout of lots and to encourage the most logical layout of property lines that could be sustained by the site. However, he noted the exception that permitted the use of other angles if it resulted in a better layout. **Trustee Brandt** commented the code was in place to prevent over-densification of land by developers that get greedy and put too many lots on a site, but didn't feel that was the case on the current request as she felt there was a simple solution for both lots. **Director McNellis** added that Lot 7's layout was unique based on the required detention on the site, if it weren't for the detention, such lot would have easily been layout to be radial to the cul-de-sac. To which there was an agreement of such by the Zoning Board. **Chairman Manion** expressed his agreement with Staff and commented it didn't make sense to have a lot line perpendicular to the street just for the sake of being perpendicular, especially given the proposed layout was the most logical layout. **Mr. Lewis** explained that they could include additional lot angles to comply, but he argued the reason why the exception was in place was for the reason where a better layout resulted, which he felt was being proposed.

Additionally discussion ensued regarding the proposed 7' tall fence and the suggestion to increase its height.

There being no further public comments, **Chairman Manion** sought the Zoning Board's comments on the proposed subdivision. There was a consensus amongst the Board regarding the proposed limited access was not ideal, but understood IDOT's authority of Route 22, and the lot lines as proposed resulted in a better plan than to require the addition of angled lot lines to be straight or radial to the street.

There was a consensus among the members in support of this request and the following motion was read:

Member Leider moved and Member Kalina seconded a motion to recommend approval to the Village Board of a Preliminary Plat of Subdivision for the Forest View Subdivision, with a Subdivision exception to permit a side lot line not radial to a curved street lines for Lot 7, as depicted in the plans prepared by IG Consulting, Inc., received July 1, 2013, subject to following conditions:

- 1. The Landscape Plan (Sheet 6) shall be revised to include additional parkway trees along Lot 2 and Lot 3, subject to the determination of Village Staff for quantity and appropriate placement.*
- 2. 15-foot wide utility easements shall be provided along the side lot lines of Lots 2 and 3, and Lots 4 and 5.*
- 3. The proposed location of the road and all stormwater detention basins shall be staked/flagged to illustrate the extent of tree removal proposed.*
- 4. Investigate adjusting the configuration of the southern stormwater compensatory storage basin to create a 30' wide landscape easement along the southern parcel line of Outlot A and to allow planting of additional evergreen trees.*
- 5. Investigate the addition of evergreen trees along the west parcel line.*

The roll call vote was as follows:

Ayes: Manion, Kalina, Leider, and Van de Kerckhove

Nayes:

The motion passed by roll call vote.

4.0 UNFINISHED BUSINESS

Member Kalina inquired whether or not new Zoning Board appointments have been made to fill vacancies. **Planner Robles** said no new appointments have been made.

5.0 NEW BUSINESS

Director McNellis informed the Zoning Board of the recent opening of The Fresh Market and encouraged the Members to pay a visit if they have not already. Many of the Zoning Board Members expressed their satisfaction of the new grocery store and that it was a great addition to Lincolnshire

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** adjourned the meeting at 9:45 p.m.

Minutes Submitted by Stephen Robles, Planner